UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,653	03/29/2004	Christopher W. Blackburn	1842.017US1	5200

70648 7590 06/08/2007

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/WMS GAMING
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
CHEUNG, VICTOR	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
06/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/813,653	BLACKBURN ET AL.	
	Examiner	Art Unit	
	Victor Cheung	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 February 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/21/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Amendments filed on 02/21/2007 have been received.

Claims 1-20 are pending in the application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 30-33 and 35 of copending Application No. 10/788,903. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the claims is that the present application claims "an event management service" whereas the copending application only claims "a service." However, the copending application describes that an event management service is a type of service (see also claim 11 of the copending application).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 1-7, 10-17, and 20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7, 12, 14-20, and 25 of copending Application No. 10/802,699. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the claims is the type of service being provided. The copending application describes the various services that may be implemented throughout the gaming network.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 and 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gatto et al. (US Patent No. 6,916,247).

Re Claims 1, 6: Gatto et al. teach a method for providing an event management service in a gaming network including gaming machines (Col. 2 Lines 37-45), the method comprising publishing an availability of the event management service (Fig. 19-20; Col. 13 Lines 64-67), receiving a discovery request for the event management service (Fig. 19-20; Col. 14 Lines 2-5), registering by a gaming client with the event management service (Fig. 19-20; Col. 14 Lines 18-20), and processing one or more service requests conforming to an internetworking protocol (Fig. 19-20; Col. 14 Lines 21-24). (Col. 15, Lines 57-63; Col. 16, Lines 7-10).

Re Claims 2-5: Gatto et al. teach that networking between service requesters and service providers can utilize a universal solution over the Internet using XML (extensible markup language), SOAP (simple object access protocol), WSDL (web services description language), and UDDI (universal scripting discovery and integration). The XML/SOAP/WSDL/UDDI system enables web services to be published by service providers, and for the web services to be searched for and binded to by a service requester. (Col. 15 Lines 57-67)

Re Claims 7-8: Gatto et al. teach a web service including an asynchronous notification of events to a central server from a gaming machine including the Internet protocols and technologies discussed above in regards to claims 2-5 (Col. 2 Lines 37-45).

Re Claim 9: Gatto et al. teach the storing of important events in an audit log in persistent storage (Col. 10 Lines 13-20).

Re Claims 11-19: Gatto et al. teach a gaming network system for performing the method steps discussed above. (Col. 2 Lines 37-45)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto et al. (US Patent No. 6,916,247) as applied to claims 1 and 11 above, and further in view of Atkinson et al. (US Patent Application Publication No. 2004/0142744).

Gatto et al. disclose the limitations of claims 1 and 11, as discussed above.

Gatto et al. additionally disclose that the roles of service provider and service requester are commonly reversed as service requester and service provider (Col. 16, Lines 7-10).

However, Gatto et al. do not specifically disclose a gaming client querying an event management service for an event.

Atkinson et al. teach that in a gaming network environment, it is beneficial for applications to both provide data and request data (Page 1, Paragraph 18). Data may include events that occur while the gaming machines are being played (Page 1, Paragraphs 3-4). Generally, clients can provide users information about the gaming network through queries (Page 2, Paragraph 32).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made for a client to query the service for an event, thereby servicing users of games on the gaming network through accessing the stored data.

Response to Arguments

5. Applicant's arguments, see Page 9, filed 2/21/2007, with respect to the rejection of claims 7 and 17 under 35 U.S.C. 112, first paragraph, have been fully considered and are persuasive. The rejection of claims 7 and 17 has been withdrawn.

6. Applicant's arguments filed 2/21/2007 have been fully considered but they are not persuasive.

Re Claims 1 and 11: Applicant argued on page 10 of the remarks that Gatto et al. disclose a process that is the opposite to the method of the Applicant's claims. However, Gatto et al. disclose that services publish service descriptions, which then allow service requesters to discover available services and then bind to them (Col. 15, Lines 57-63). Gatto et al. also disclose that service requesters and providers commonly take on the "opposite" roles of service providers and requesters (Col. 16, Lines 7-10).

Re Claims 9 and 19: Applicant argued on page 11 of the remarks that the invention of Gatto et al. does not store the event in persistent storage, noting that the Audit Engine of Gatto et al. resides on a gaming machine rather than on a centralized storage. However, the claims do not include any specific limitations regarding which device is performing the storing, the gaming client or the event management service, or regarding where the event is stored. Therefore, Gatto et al. do disclose storing the event in a persistent storage, as claimed by the Applicant. Additionally, Gatto et al. disclose that the Audit Engine includes non-volatile data storage, stored locally or remotely, accessible via network (Col. 10, Lines 13-29).

7. Applicant's arguments, see page 11, filed 2/21/2007, with respect to the rejection(s) of claims 10 and 20 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gatto et al. and Atkinson et al.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- LeMay et al. (US Patent No. 6,997,803) disclose gaming peripherals for a gaming machine, including an event manager for storing an retrieving events stored in non-volatile storage.
- Rowe (US Patent No. 6,830,515) disclose a gaming network including an event logger, and a method including monitoring the event log for determining if a specific event has occurred.

9. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 2/21/2007 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Cheung whose telephone number is (571) 270-1349. The examiner can normally be reached on Mon-Thurs, 8-4:30, and every other Fri, 8-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VC
Victor Cheung
June 5, 2007

Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714